



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
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www.deq.state.va.us

Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

TWIN OAKS COMMUNITY, INCORPORATED

FOR

TWIN OAKS COMMUNITY SEWAGE TREATMENT PLANT (VPDES PERMIT NO. VA0088421)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Twin Oaks Community, Incorporated regarding the Twin Oaks Community sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality. "Order" means this document, also known as a Consent Special Order.
5. "Twin Oaks" means Twin Oaks Community, Incorporated (Inc.), a non-stock corporation registered to do business in Virginia and located in Louisa County, Virginia.
6. "STP" means the Twin Oaks Community sewage treatment plant located in Louisa County, Virginia.
7. "Regulation" means 9 VAC 25-31-10 *et seq.*, the Virginia Pollutant Discharge Elimination System Permit Regulation.
8. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0088421.
9. "DMR" means Discharge Monitoring Report.
10. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.

SECTION C: Finding of Fact and Conclusions of Law

1. The Twin Oaks Community STP is a 0.01-MGD plant located in Louisa County, Virginia that treats domestic sewage from the residents of the community. The STP discharges into Polecat Creek, which is located within the York River Basin. Discharges are the subject of VPDES Permit No. VA0088421 that will expire on September 19, 2009.
2. The Board has evidence to indicate that Twin Oaks has violated the Regulation and the Permit by failing to: (1) submit for approval a revised Operations and Maintenance (O&M) manual or a statement confirming the accuracy and completeness of the current O&M manual; (2) submit for approval a revised Sludge Management Plan (SMP); (3) submit the annual Sludge Management report; and (4) employ or contract a Class III licensed operator. DEQ NVRO issued two warning letters (WL) and three notices of violation (NOVs) to Twin Oaks for the above-referenced violations as follows: WL No. W2005-01-N-1014 issued January 7, 2005; WL No. W2005-02-N-1017 issued February 8, 2005; NOV W2005-03-N-0006 issued March 3, 2005; NOV W2005-04-N-0012 issued April 12, 2005; and NOV W2005-05-N-0009 issued May 16, 2005.

3. In discussions with Twin Oaks they indicated that it had a staff member in place to manage the STP until a licensed contractor could be hired. This interim manager abruptly left the community before a licensed contractor or an adequately trained community member could take over the responsibilities.
4. DEQ had reiterated to Twin Oaks on numerous occasions the importance of ensuring the timely submittal of documentation. Currently, Twin Oaks is in discussions with Environmental System Services to complete a full environmental audit in expectation that it will take over operation of the STP.
5. Appendix A of this Order requires Twin Oaks to increase sampling of CBOD5, TSS and Ammonia and submit for review and approval to DEQ an internal written procedure designed to ensure timely submittal of documentation. Furthermore, this Order requires Twin Oaks to submit for approval to DEQ a revised SMP and O&M manual, Sludge Management report, and to employ or contract a licensed operator as required by the Permit.

SECTION D: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Twin Oaks, and Twin Oaks voluntarily agrees that:

1. Twin Oaks shall perform the actions described in Appendix A of this Order to remedy the violations described above and achieve compliance with the State Water Control Law and Regulations.
2. Twin Oaks shall pay a civil charge of \$7,000 within 30 days of the effective date of the Order in the settlement of the alleged violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
P.O. Box 10150
Richmond, VA 23240

Either on a transmittal letter or as a notation on the check, Twin Oaks shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Twin Oaks.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Twin Oaks, for good cause shown by Twin Oaks, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein as listed above in Section C-2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Twin Oaks admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Twin Oaks consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Twin Oaks declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Twin Oaks to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Twin Oaks shall be responsible for failure to comply with any of the terms and conditions by this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Twin Oaks shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Twin Oaks shall notify the DEQ Regional Director in writing when circumstances are anticipated to

occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

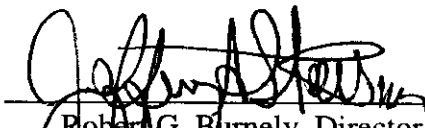
- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within twenty-four (24) hours of learning of any condition above, which Twin Oaks intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. Any plans, reports, schedules, permits, or specification attached hereto or submitted by Twin Oaks and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
11. This Order shall become effective upon execution by both the Director or his designee and Twin Oaks. Notwithstanding the foregoing, Twin Oaks agrees to be bound by any compliance date, which precedes the effective date of this Order.
12. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Twin Oaks. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Twin Oaks from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. The undersigned representative of Twin Oaks certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Twin Oaks to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible office of Twin Oaks.

14. By its signature below, Twin Oaks voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 30 September, 2005.


Robert G. Burnely, Director
Department of Environmental Quality

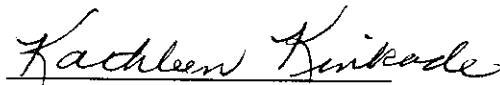
Twin Oaks voluntarily agrees to the issuance of this Order.

By: Thomas F. Vecchio
Thomas F. Vecchio, President
Twin Oaks Community, Inc.

Date: 6/15/05

Commonwealth of Virginia
City/County of LOUISA

The foregoing document was signed and acknowledged before me this 15th day of JUNE, 2005, by Thomas F. Vecchio, President of Twin Oaks Community, Inc., on behalf of Twin Oaks Community, Inc.


Kathleen Kinkade
Notary Public

My commission expires: Dec 31, 2009

APPENDIX A SCHEDULE OF COMPLIANCE

Twin Oaks shall:

1. Beginning June 1, 2005, increase sampling of CBOD5, TSS, and Ammonia from once every month (1/M) to once every week (1/W) through the December 2005 monitoring period. Should Twins Oaks miss any weekly sampling events during this compliance period the frequency shall remain 1/W for the remaining term of the current permit which expires September 19, 2009.
2. By June 30, 2005, submit to DEQ for review and approval a written procedure designed to ensure responsibilities and requirements related to Permit compliance submittals are handled in a timely manner. Within two weeks of receipt of written approval, implement the procedure.
3. By June 30, 2005, submit to DEQ for review and approval a revised Sludge Management Plan (SMP) and a revised Operation and Maintenance (O&M) manual or a statement confirming the accuracy and completeness of the current O&M manual.
4. By June 30, 2005, submit to DEQ the annual Sludge Management report that details activities, if any, pertaining to the land application of sludge.
5. By June 30, 2005, employ or contract a Class III licensed operator to oversee the operations of the STP and continue employment as required by the Permit. Within two weeks of employing or contracting an operator, notify DEQ in writing how this requirement was met.

Please submit the above referenced documentation to:

**Virginia Department of Environmental Quality
Northern Virginia Regional Office
ATTN: Alison Thompson
13901 Crown Court
Woodbridge, VA 22193**